

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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In the Matter of the Amendment  
of the  
Rules of the Supreme Court of the State of Hawai'i

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ORDER AMENDING RULE 2.22 TO THE  
RULES OF THE SUPREME COURT OF THE STATE OF HAWAI'I  
(By: Moon, C.J., Levinson, Nakayama, Acoba and Duffy, JJ.)

IT IS HEREBY ORDERED that Rule 2.22 of the Rules of the Supreme Court of the State of Hawai'i, is amended as follows, effective for petitions filed on or after January 1, 2004 (deleted material is bracketed and new material is underlined):

**Rule 2.22 Confidentiality.**

**(a) General Rule.** The files, records, and proceedings of the Board, the hearing committees or officers, and Counsel, as they may relate to or arise out of any complaint or charge of unprofessional conduct against or investigation of an attorney, shall be deemed confidential and shall not be disclosed except under the following circumstances:

(1) As between Counsel, the committees or officers, the Board, and the court in the furtherance of their duties;

(2) As between the Board, Counsel, and an attorney admission or disciplinary authority, or judicial selection or disciplinary authority, of any jurisdiction in which the attorney affected is admitted to practice or seeks to practice;

(3) Upon the request of the attorney affected;

(4) Where permitted by this court;

(5) Where required or permitted by these rules;

(6) Where the investigation is

predicated upon a conviction of the respondent for a crime;

(7) Where this court enters an order transferring the respondent to inactive status pursuant to Rule 2.19; or

(8) Where [a hearing committee or officer files, pursuant to Rule 2.7(c), a report with the Board recommending the imposition of public discipline by the Board or this court] 90 days have passed since the service on a respondent of a Petition for discipline, unless such time is extended by the Board Chairperson for no more than 45 days for good cause shown.

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(f) Except as ordered by this court, or as otherwise provided by these rules, the files, records and proceedings filed with this court by the Board, by Counsel or by a respondent, as well as any oral argument held before the court in connection with any disciplinary proceedings, are not confidential. [However, where the hearing committee or officer has recommended, and the Board has concluded, that the sole discipline should be a private reprimand, and the respondent or Counsel has declined to consent to such discipline, the proceedings shall remain confidential pending review by the supreme court, unless and until the court imposes public discipline or the Board imposes public discipline pursuant to a remand by the court.]

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DATED: Honolulu, Hawai'i, October 6, 2003.